

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
N/S Mt. Wilson Lane, 727' W * DEPUTY ZONING COMMISSIONER
of the c/l of Reisterstown Road 3rd Election District
3rd Councilmanic District * OF BALTIMORE COUNTY
Mt. Wilson Joint Venture * Case No. 91-102-A
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit three single faced signs of 112 sq.ft. total in lieu of the one sign permitted of 15 sq.ft. total, in accordance with Petitioner's Exhibit 1.

The Petitioner, by Bernard G. Robbins, President, Bergar-H.G. Development Company, Inc., Partner, appeared, testified and was represented by Benjamin Bronstein, Esquire. Also appearing on behalf of the Petition was David S. Thaler and Associates, Inc. Rabbi Jerome Kadden appeared as an interested party. There were no Protestants.

Testimony indicated that the subject property consists of 37.36 acres zoned D.R. 3.5, is located on the north side of Mt. Wilson Lane west of Reisterstown Road and is the site of a residential housing subdivision known as Cobblestone. Said property was the subject matter of previous Case No. 89-443-A in which Petitioner was granted variances to setback requirements between houses and property lines for all lots in the subdivision so that Petitioner could develop "Z" lot line housing. In subsequent Case No. 90-445-SPHA, Petitioner was granted a special hearing and variances to side and rear yard setback requirements as they relate to the utilization of decks and patios and private yard space on each lot. Petitioner filed the instant petition to install three signs on the subject property to assist with identifying the subdivision and as a result of the architect-

tural proposal to place the signs in monumental-type entrances, the requested variance is needed. The site plan has been reviewed by the Office of Planning and as set forth in the comments submitted by the Deputy Director of Planning dated October 1, 1990, the Office of Planning finds that the proposed signage is a superior sign design. Testimony indicated that a denial of the requested variance will result in hardship and practical difficulty as the proposed signage provides ample identification of the subdivision off of Reisterstown Road and is aesthetically pleasing. Further testimony indicated that the granting of the variance will not result in any detriment to the health, safety or general welfare of the community and is within the spirit and intent of the zoning regulations.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10th day of November, 1990 that the Petition for Zoning Variance to permit three single faced signs of 112 sq.ft. total in lieu of the one sign permitted of 15 sq.ft. total, in accordance with

Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioners may apply for their sign permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Compliance with the comments submitted by the Department of Permits and Licenses dated September 11, 1990.
- 3) Prior to the issuance of any permits, Petitioners shall submit a copy of an approved landscaping plan by the Director and/or Deputy Director of Planning.
- 4) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

November 20, 1990

Benjamin Bronstein, Esquire
29 W. Susquehanna Avenue, Suite 205
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
N/S Mt. Wilson Lane, 727' W of the c/l of Reisterstown Road
3rd Election District - 3rd Councilmanic District
Mt. Wilson Joint Venture - Petitioners
Case No. 91-102-A

Dear Mr. Bronstein:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

File

PETITION FOR ZONING VARIANCE 91-102-A

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 413.1.e. to permit 3 single face signs with a total of 112 sq.ft. (sign 1 - 24 sq.ft.) (sign 2 - 44 sq.ft.) (sign 3 - 44 sq.ft.) in lieu of the permitted 15 sq.ft.

1. Configuration of the property.
2. Such reasons as may be demonstrated at the time of hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Legal Owner(s): Mt. Wilson Joint Venture

Contract Purchaser: Bergar - H.G. Development Co., Inc., Partner
(Type or Print Name) Bernard G. Robbins, President

Signature

Signature Bernard G. Robbins, President

Address

Address (Type or Print Name)

City and State

Signature

Attorney for Petitioner:

EVANS, GEORGE AND BRONSTEIN

Benjamin Bronstein

(Type or Print Name)

Signature

29 W. Susquehanna Ave., Suite 205

Towson, Maryland 21204

City and State

Attorney's Telephone No. 301-296-0200

1133 Greenwood Road 486-5350

Address Phone No.

Baltimore, Maryland 21208

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

David S. Thaler

7115 Ambassador Road

Baltimore, Maryland 21207 944-3647

Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 5 day

of 10, 1990, that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-

out Baltimore County, that property be posted, and that the public hearing be held before the Zoning

Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

County, on the 5th day of Nov. 1990, at 9:30 o'clock

A.M.

FILED 8/15/90 BY JLL

ANY TIME OR DAY

5 MINUTE TIME

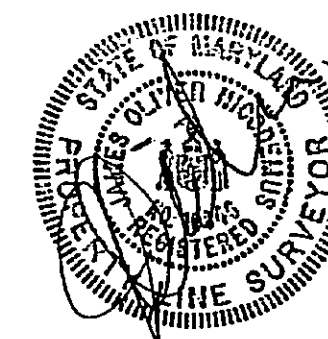
(over)

DESCRIPTION OF 37.363 ACRE, MORE OR LESS, PARCEL OF THE SAMUEL HOPKINS, ET AL. PROPERTY 91-102-A

Beginning for the same at a point in the centerline of Mt. Wilson Lane, Maryland Route 400, which point is South 69°32'40" West 727.35 feet from the intersection of the centerline of Mt. Wilson Lane with the centerline of Reisterstown Road, Maryland Route 140; thence, binding upon the centerline of Mt. Wilson Lane, South 69°32'40" West 407.93 feet to a P.K. nail (found), a corner of a parcel of land of John W. Tastet, recorded among the Land Records of Baltimore County, Maryland in Liber 5996 folio 599; thence, binding upon the said land of John W. Tastet, North 54°10'14" West 438.51 feet to a point; North 18°35'14" West 310.32 feet to a point; South 69°32'40" West 476.30 feet to a point; and South 70°40'10" West 102.09 feet to intersect a line of a parcel of land of Baltimore County, Maryland recorded among the said Land Records in Liber 5432 folio 576; thence, binding upon the last mentioned land North 19°13'43" West 326.35 feet to an iron pin (found), and, South 70°49'40" West 195.05 feet to a point, a corner of a parcel of land of William and Peggy Anne Lyon, recorded among the said Land Records in Liber 6761 folio 038; thence, binding upon the last said land, North 08°20'50" West 528.07 feet to a point on the centerline of a 50 foot right-of-way for a private road; thence, binding upon the last mentioned centerline, North 83°26'35" East 335.93 feet to a point; and, North 79°10'30" East 1219.20 feet to intersect the above mentioned centerline of Reisterstown Road, a 66-foot

road, thence, binding upon the centerline of said Reisterstown Road, South 42°16'20" East 457.48 feet to a point; thence, leaving the last said centerline, and running partly through the lands of which this is a part, for a new line of division, South 05°46'23" West 908.00 feet to the point of beginning.

Containing 37.363 acres of land, more or less.



Baltimore County
Zoning Commissioner
County Office Building
113 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt

Ne 3200

Date 8/15/90

H9100063

PUBLIC HEARING FEES	QTY	PRICE
020 -ZONING VARIANCE (OTHER)	1 X	\$175.00
TOTAL:		\$175.00

LAST NAME OF OWNER: MOUNT WLSN JNT VN

04A04W0100MICHRC \$175.00
BA, COLL:21A0B8-15-90

Cashier Validation:

Please make checks payable to: Baltimore County

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 3rd
Petitioner: Mt. Wilson Joint Venture, et al
Location of property: N/S of Mt. Wilson Lane, 727.3' W of the c/l of Reisterstown Road, 11 Hopkins property
Location of Signs: North side of Mt. Wilson Lane, approx 50' E of Orchard Road
Remarks: J. Robert Haines
Posted by: J. Robert Haines
Number of Signs: 1
Date of Posting: 10-8-90
Date of return: 10-12-90

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10-11-1990

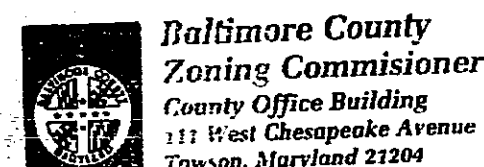
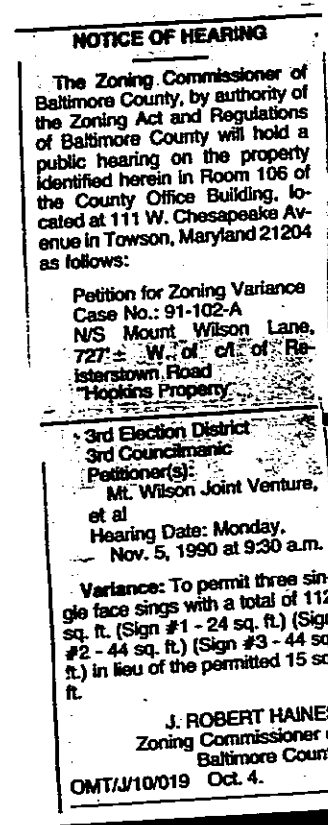
THIS IS TO CERTIFY, that the annexed advertisement was published in OWINGS MILLS TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 10 successive weeks, the first publication appearing on 3-20-90

OWINGS MILLS TIMES,

S. Zebe, Publisher

Publisher

\$ 64.37



receipt
N: 3824

91-102

11/05/90
PUBLIC HEARING FEES QTY PRICE
080 -POSTING SIGNS / ADVERTISING 1 X \$89.37
TOTAL: \$89.37
LAST NAME OF OWNER: MOUNT WILSON JNT VN

04AD4#0054#1CHRC \$89.37
BA C08927#11-05-90
Baltimore County

Cashier Validation:

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE 10-26-90

Mt. Wilson Joint Venture
Berrgar - H.G. Development Co., Inc.
1123 Greenwood Road
Baltimore, Maryland 21208

ATTN: BERNARD G. ROBBINS

Re: Petition for Zoning Variance
CASE NUMBER: 91-102-A
N/S Mount Wilson Lane, 727'± W of c/l of Reisterstown Road
"Hopkins Property"
3rd Election District - 3rd Councilmanic
Petitioner(s): Mt. Wilson Joint Venture, et al
HEARING: MONDAY, NOVEMBER 5, 1990 at 9:30 a.m.

Gentlemen:
Please be advised that \$ 89.37 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE OWNER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs

cc: Benjamin Bronstein, Esq.



Dennis F. Rasmussen
County Executive

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

September 20, 1990

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 91-102-A
N/S Mount Wilson Lane, 727'± W of c/l of Reisterstown Road
"Hopkins Property"
3rd Election District - 3rd Councilmanic
Petitioner(s): Mt. Wilson Joint Venture, et al
HEARING: MONDAY, NOVEMBER 5, 1990 at 9:30 a.m.

Variance: To permit three single face signs with a total of 112 sq. ft.
(Sign #1 - 24 sq. ft.) (Sign #2 - 44 sq. ft.) (Sign #3 - 44 sq. ft.) in lieu of the permitted 15 sq. ft.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Mt. Wilson Joint Venture...
David S. Thaler
Benjamin Bronstein, Esq.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

October 24, 1990



Dennis F. Rasmussen
County Executive

Benjamin Bronstein, Esquire
29 W. Susquehanna Avenue, Suite 205
Towson, MD 21204

RE: Item No. 63, Case No. 91-102-A
Petitioner: Mt. Wilson Joint Venture
Petition for Zoning Variance

Dear Mr. Bronstein:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINTARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

J. Robert Haines
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Bernard G. Robbins
Mt. Wilson Joint Venture
1133 Greenwood Road
Baltimore, MD 21208

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 5th day of September, 1990.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

J. Robert Haines
Chairman,
Zoning Plans Advisory Committee

Petitioner: Bernard G. Robbins, et al
Petitioner's Attorney: Benjamin Bronstein



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

August 29, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Attn: Mr. James Dyer

Re: Baltimore County
Mt. Wilson Joint Venture
Zoning Meeting of 9-4-90
N/S Mount Wilson Lane
727' West of
Reisterstown Road
(Item #63)

Dear Mr. Haines:

After reviewing the submittal for a variance to permit three single face signs with a total of 112 square feet (sign one - 24 square feet; sign two - 44 square feet; and sign three - 44 square feet) in lieu of the permitted 15 square feet, we have the following comment.

We have forwarded this plan to our Highway Beautification Section, c/o George Dawson (333-1642) for all comments relative to zoning.

If you have any questions, please contact Larry Brocato at (301) 333-1350.

Very truly yours,
John Contestabile
John Contestabile, Chief
Engineering Access Permits
Division

LB:maw

cc: Mr. George Dawson (w-attachment)
D.S. Thaler & Assoc., Inc.
Mr. J. Ogil

RECEIVED
SEP 4 1990
ZONING OFFICE

My telephone number is (301) 333-1350 (Fax #333-1041)
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-482-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: October 1, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Mt. Wilson Joint Venture, Item No. 63

The Petitioner requests a Variance to permit three single face signs with a total of 112 sq. ft.

In reference to the request, staff offers the following comments:

- The Petitioner's site received CRG approval for the cobblestone development aspect of the property on February 2, 1989.
- A landscape plan shall be filed with the Deputy Director of the Office of Planning and Zoning prior to the issuance of any building permits.

The Petitioner's proposal, which is depicted on the plat accompanying the subject request, indicates a superior sign design. Therefore, staff recommends that the Petitioner's request be granted.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm
ITEM63/ZAC1

RECEIVED
10/4/90

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

SEPTEMBER 6, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: MT. WILSON JOINT VENTURE/BERRGAR H.G.

Location: N/S MOUNT WILSON LANE

Item No.: 63 Zoning Agenda: SEPTEMBER 4, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Capt. Kelly 9-6-90 Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

ZONING

NT OF

- re/Berngar-H.G.

Wilson La., 727' (0.7
oad

INDICATES THE

BALTIMORE COUNTY, MARYLAND
F B I C T C O D E R E C O R D

Advisory Committee DATE:

W. Bowling, F.E.

Advisory Committee Meeting
September 4, 1988

December 4, 1980

opers Engineering Division
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59, 60, 63, 65, 68, 69 and 70.

58, a County Review Group Me

45, 62 and 66, the previous

still apply.

57. the topography shows a p
will interfere with widening

PETITIONER(S) SIGN-IN SHEET

29 W Suquehanna Ave 52054200

7115 AMBASSADOR RD

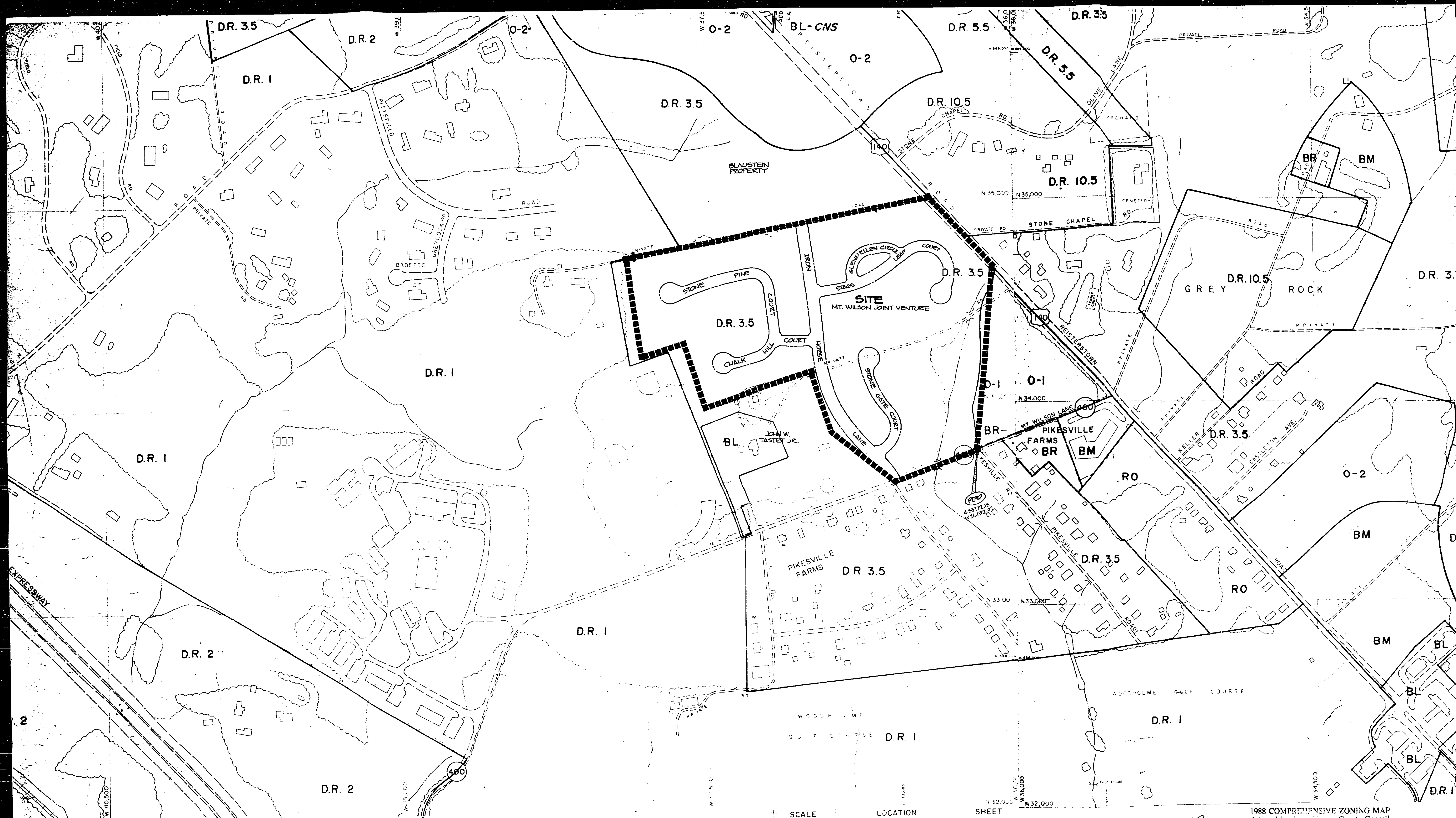
1133 GREENWAY RD

Chapman Lake June Kullen

Petitioner's
Exhibits
VA-20







1988 COMPREHENSIVE ZONING MAP
 Adopted by the Baltimore County Council
 On 10/13/88
 Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88
Dale T. Voss
 Chairman, County Council

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

CIVIL ENGINEERS - SURVEYORS - SITE PLANNERS - LANDSCAPE ARCHITECTS
DSTHALER & ASSOCIATES, INC.
 7115 AMBASSADOR ROAD
 BALTIMORE, MARYLAND
 21207
 (301) 944-ENGR

SCALE
 1" = 200'
 DATE
 OF
 PHOTOGRAPHY
 JANUARY
 1986

LOCATION
 GARRISON
 AREA

SHEET
 P - NE
 N. W.
 9 - C
 TH
 TO
 C

#63
91-102-A

1988 COMPREHENSIVE ZONING MAP
 Adopted by the Baltimore County Council
 On 10/13/88
 Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88
Dale T. Voss
 Chairman, County Council

HOPKINS PROPERTY
 ZONING MAP TO ACCOMPANY VARIANCE PETITION
 SRP ELECTION DISTRICT, BALTIMORE COUNTY
 SCALE: 1" = 200' DATE: JULY 19, 1990